THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2178 of 2003

Dated:01.11.2006

Between
V.Srinivasulu

.....Petitioner

and

1. The District Collector, Medak District
Sanga Reddy and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2178 of 2003

ORDER:

This writ petition is filed a seeking a Mandamus to declare the proceedings No.J1/135/2993, dated 21.1.2003 of the 2nd respondent-Revenue Divisional Officer, Medak, as arbitrary and illegal and consequently to direct the respondents to consider the case of the petitioner for dealership of fair price shop of Dongala Dharmaram village, Ramayampet Mandal, Medak District.

It appears that in pursuance of a notification issued by the 2nd respondent, inviting applications for filling up of the vacancy of fair price shop of Dongala Dharmaram village, the petitioner, 4th respondent and others applied and all of them were called for interview. The petitioner was not selected, but the 4th respondent was selected. Aggrieved by the same, the present writ petition is filed.

It is the case of the petitioner that he belongs to BC community and that he is a physically handicapped person. Therefore, his case ought to have been considered instead of giving preference to the 4th

respondent.

There is no dispute that the vacancy is an unreserved one. Applications were invited from open category. However, at Clause 6 of the notification, it is stated that preference will be given to ST and physically handicapped candidates. The petitioner is neither ST nor he has obtained equal/higher marks to that of the 4th respondent, to be preferred for the said vacancy even though he is a physically handicapped person.

Learned Government Pleader placed entire record relating to filling up of the vacancy of Dongala Dharmaram village. The marks awarded to each individual have been noted. The petitioner has got only 15 marks, where as the 4th respondent has got 100 marks. Therefore, after verification of the antecedents, the 4th respondent was selected.

I am of the opinion that preferential treatment is available only where the merit is equal. Hence, the respondents have not committed any error in selecting the 4th respondent as fair price shop dealer. Writ petiton is devoid of merits and is liable to be dismissed.

Writ petiton is, accordingly, dismissed. No costs.

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1-11-2006

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